

**MINUTES
PLANNING BOARD
TUESDAY, OCTOBER 27, 2015
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

PRESENT: Chairman Steve Lee; Vice Chair Rob Markiewicz; Members David Pratt, Michael Ham, Eric Welsh, Barbara Dement, and Gary Turner; Alternate Member David Wieser ; Town Attorneys Charles Buckley III and Craig Buie; Youth Voice Carly Newton; Planning Director Kathi Ingrish, Senior Planner Jay Camp, Planner Dillon Lackey, and Administrative Assistant/Deputy Town Clerk Betty Lynd.

ABSENT: Alternate Member David Barley

MEETING CALLED TO ORDER

Chairman Steve Lee called the meeting to order at 7:03 p.m.

Mr. Lee recognized Dillon Lackey as the new Planner within the Planning Department and Carly Newton as the new Youth Voice to the board.

APPROVAL OF MINUTES- September 22, 2015

Mr. David Pratt made a motion to approve the minutes of the September 22, 2015 meeting as submitted. Ms. Dement seconded the motion and the motion carried unanimously.

ZONING APPLICATION 2015-637- Text Amendment, Downtown Overlay Building Lot Coverage Requirement

Mr. Camp stated that there have been no changes since the public hearing. The applicant is seeking to reinstate some provisions within the Downtown Overlay requirements that allow a reduction to the 75% lot frontage requirement. They request to exempt driveway width up to 25 feet from the lot frontage. Staff is comfortable with 12 feet. The applicant was previously okay with that, but due to site plan revisions that has changed.

Mr. Ham made a motion to recommend approval of the language of 2015-637 as it is consistent with the language of Matthews Land Use Policies. Mr. Pratt seconded the motion and the motion carried unanimously.

ZONING APPLICATION 2015-632- Primrose Child Day Care Facility, 720 Park Center Dr, From I-1 to O(CD)

Mr. Camp stated that the applicant has made changes to building placement based on concerns of the Town Board. The applicant is ready to present an informal site plan that is still being revised. Mr. Markiewicz asked if Staff had reviewed the revisions. Mr. Camp stated they have not, but the applicant wishes to discuss the changes in order to obtain feedback from the Planning Board. Mr. Markiewicz asked if this is the only chance Planning Board will have to review the plan. Mr. Camp stated this meeting will be the only chance before Town Board makes a decision.

Mr. Welsh asked staff's position on the project. Mr. Camp stated that both streets are minor surface streets and staff was okay with building placement facing either Ames Street or Park Center Drive. The architecture of the building is still fluid. Mr. Welsh asked about the Fire Department's concerns. Mr. Camp stated that the Fire Department preferred the building have sprinklers installed.

John Carmichael and Bryan Smith were in attendance on behalf of the applicant, Primrose School. Mr. Carmichael stated that at the public hearing, the building was a one-story facing Ames Street. There was some concern about building placement and the dormers from the Town Board. There were citizen concerns about architecture and traffic. Revisions have been made to the plan since the public hearing. The revision being presented required Primrose to acquire land from Ortho Carolina, so a second public hearing would be necessary. The applicant plans to ask for a deferral at the Town Board meeting on November 9, 2015.

The dormers have been removed from the elevation. The building will be turned to front Park Center Drive and parking will be to the rear of the building. The revisions increased parking from 37 on site and 11 on street to 45 on site and 11 on street.

Ms. Dement stated that she wants the board to think about the use of the land. In the past, the board has wanted something more vibrant in the evenings and weekends for downtown visitors. She questioned whether a daycare is a proper use of the land.

Mr. Lee asked where customer base for the daycare would be located. Mr. Carmichael did not feel comfortable answering that for Primrose. Mr. Lee wanted more information concerning traffic flow due to the discussion about the private drive during the public hearing. Mr. Wieser asked about access to Ortho Carolina's parking lot. Mr. Carmichael said there would be access from Ames Street as well as the Ortho Carolina parking lot. There is a shared access easement with Ortho Carolina. Ortho Carolina has access to 5 parking spaces from this project.

Of the 56 total spaces, Ms. Dement stated that 5 spaces would potentially be used for Ortho Carolina, 1 for the school's bus, and 25 spaces for employees. Ms. Dement stated that left a minimum of 25 spaces for the parents of 185 children. Mr. Carmichael stated that Primrose is comfortable with that number because it meets the ordinance requirements. Mr. Markiewitz asked if the additional land being purchased would prompt Ortho Carolina to ask for more parking spaces. Mr. Carmichael stated that he was not privy to those negotiations.

Mr. Turner questioned if Ortho Carolina was concerned about Primrose parents using their parking spaces. He stated concern about connectivity being more harmful than helpful on this particular site. Mr. Camp stated that the site was designed for that connectivity with cross access easements.

Mr. Welsh asked if there were any plans for the direction traffic would flow on the site. Mr. Carmichael stated that at this time there is no certain direction determined. The kids will be walked into the facility. Mr. Welsh stated that Ames is a very narrow street for cars to be traveling in multiple directions. It could become chaotic during peak pick-up/drop-off times. Ms. Ingrish stated that it would be helpful to see where parents could enter the building in conjunction with the parking space location. Mr. Smith said there may be a proposed entrance from the parking lot to the rear of the building. That sidewalk could be fenced off from the playgrounds. Mr. Ham suggested speed bumps to slow the speed of parking lot traffic. Mr. Welsh had concerns about people entering and exiting the Ames Street access at the same time.

Mr. Welsh asked if the applicant would consider a flat roof. Mr. Carmichael stated he could discuss that with Primrose.

Mr. Markiewitz asked if the daycare center could face the Ortho Carolina building. Mr. Smith stated that the project would not meet the frontage requirement. Mr. Markiewitz asked how the Ortho Carolina building was able to do so. Mr. Smith stated that building is in the Highway Overlay District, but not the Downtown Overlay District. Further discussion was held concerning building placement.

Mr. Markiewitz asked staff's opinion concerning the project's cohesiveness with the North End development. Ms. Ingrish stated the project is surrounded by office and residential uses. An office or service use is very appropriate for the area, unlike the I-1 Light Industrial District. Both Ames Street and Park Center Drive experience a comparable amount of traffic. The building should face one of those two streets due to the land being on the fringe of the downtown area. If the building was facing Ames Street, it could retain somewhat of a residential look, similar to some surrounding properties.

Mr. Markiewitz stated that North End is not a high density area. Not many people living in the area will be walking their kids to the daycare before work. This means there will be more cars flowing into the area. Mr. Lee stated that the heart of the issue is whether or not this is an appropriate use. He stated that this does not seem to be the most appropriate use for this particular lot.

Further discussion was held concerning building architecture. Mr. Ham suggested scaling down the number of children and giving the building a more residential feel. Mr. Welsh stated that he believed it was not a proper use

considering the surrounding uses and what the Town intended the North End area to be. His biggest concern is traffic. Mr. Markiewitz asked how much more developable land is left in North End. Mr. Camp stated there are very few building pads left. Mr. Markiewitz believed the Town should be using those pads to attract more residents to live.

Mr. Ham stated that if the board recommends denial, the property remains as light industrial. The property can be developed into uses the board may not like. He asked if the board approved the rezoning, would the applicant be required to return to the board for any other approvals. Mr. Camp stated if the rezoning was approved by the Town Board, the site could be developed as presented tonight, or any other use permitted in the Office district.

Mr. Buckley stated the Planning Board must make a recommendation on the application presented at the public hearing.

Mr. Welsh made a motion to recommend denial as the application is inconsistent with the Town of Matthews Land Use policies. The motion was seconded by Mr. Markiewitz and the motion passed unanimously.

ZONING APPLICATION 2015-636- W Browning, 608 Lakenheath Ln, From R-20 to R-15

Mr. Camp stated that there were no updates since the public hearing. This is an existing single family lot that the applicant wishes to build a home on. Staff feels the R-15 district is consistent with the surrounding area.

Mr. Lee asked for the acreage and the possibility of subdivision. Mr. Camp stated it is approximately 0.6 acres, so subdivision is possible, but very difficult.

Mr. Turner made a motion to recommend approval of the application as it is consistent with the Town of Matthews Land Use policies. Mr. Pratt seconded the motion and the motion carried unanimously.

ZONING APPLICATION 2015-638- Text Amendment, Side Yards in I-1 District

Mr. Camp stated that the applicant wants to reduce the current 10 foot side yard for I-1 zoned properties to as little as 0 feet, or zero lot line, as long as the property is adjacent to nonresidential properties. This requirement does exist in other districts in the Unified Development Ordinance. This would be a footnote added to the code.

Mr. Welsh asked the implications this would have on future projects. Mr. Camp stated that is hard to predict. In future developments, side yard landscaping would be impacted should zero lot line be used. Mr. Lee asked how staff determines which part of the property is side yard. Mr. Camp states it depend on the orientation of lot and building placement. This text amendment will not change how staff determines side yard vs. front yard.

Ms. Dement stated that her biggest concern with this text amendment was the unintended consequences in the future. Mr. Welsh asked if there was another avenue for the applicant to take in order to remedy their specific issue. Mr. Camp stated that the applicant has requested a variance from the Board of Adjustment twice and has been denied both times. The only option left is this text amendment. Mr. Lee inquired as to why the Board of Adjustment denied the request. Mr. Camp stated that they did not find a hardship.

Mr. Ham asked if this property is legal nonconforming. Mr. Camp stated it is not, but the text amendment will apply to all properties.

Mr. Frank Williams, the applicant, stated that when the buildings on his particular property were built, the building code allowed 10 feet between the firewalls. Current building codes do not allow this. The Board of Adjustment denied the request because he was not trying to sell the property, and therefore there was not a hardship. His fear is the buildings will go to nonresident owners and will become a blight to the community without the ability to sell. He stated there are not many Industrial district properties being developed, so this text amendment should not affect too many future properties.

Mr. Lee stated his concern would be such a small setback between two industrial properties and the loss of property for screening.

Ms. Dement reiterated her concern of this text amendment not being site specific, and therefore could have unintended consequences on future properties. Mr. Ham stated he wished this could be looked on a case by case basis. The only option is to place this text amendment in the code or wind up with some empty buildings. Mr. Welsh stated he felt the potential for a vacant building was more specific to Mr. Williams' site.

Mr. Ham asked if the board could ask for more time to research what other Industrial properties could use this text amendment. Ms. Ingrish stated that any I-1 property could use this text amendment. There are larger tracts that could be split and take advantage of this. There is no way to know the exact number of properties this could affect. Mr. Welsh stated he did not like the consequences.

Mr. Welsh made a motion to recommend denial of the text amendment due to its inconsistency with the Town of Matthews Land Use policies. Ms. Dement seconded the motion and the motion carried unanimously.

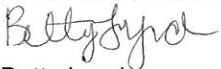
ADJOURNMENT

Mr. Camp informed the board of the RFP issued by the Town for the vacant lot in front of Town Hall. There was one reply that staff will be reviewing.

Mr. Lee and the entire board/staff thanked Mr. Welsh for his outstanding service to the Board of Adjustment and the Planning Board, as he is leaving for a job opportunity out of state.

Mr. Welsh made the motion to adjourn the meeting at 8:19 p.m. Mr. Ham seconded the motion and the motion carried unanimously.

Respectfully submitted,



Betty Lynd
Administrative Assistant/Deputy Town Clerk